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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,299	09/25/2006	Remi Noirot	FR 040035	6634

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER
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CROWE, DAVID R

ART UNIT	PAPER NUMBER
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2885

MAIL DATE	DELIVERY MODE
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01/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,299	<b>Applicant(s)</b> NOIROT, REMI	
	<b>Examiner</b> DAVID R. CROWE	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The amendment filed on 11/7/2008 has been entered.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amended portion of claim 1 is generally narrative and indefinite, failing to conform to current U.S. practice. The discussion of the advantage of a lens array versus a single lens with respect to moving distance and packaging size is improper. The advantages are inherent features which do not limit the scope of the claim and are not germane to patentability as recited.

Further, "respective central axis" in line 5 of claim 1 is indefinite. The claim fails to clearly set forth the relationship between the lenses and one or more axis. As best understood by the examiner from the drawings each lens of the lens array is to match up with each respective converging beam.

Further, it is unclear whether the "lens array" is part of the "means for generating convergent beams." The examiner suggests separate elements be offset by a semi-colon. The written opinion of the international searching authority appears to consider the lens and generating means as a single element. The prior action from this office considered them two separate elements.

Art Unit: 2885

Claims 2, 3 and 5 are rejected based on their dependence on claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al (US 5,138,540) in view of Kobayashi (US 5,068,768) and Corbasson et al (US 5,584,568).

5. Re claims 1 and 5: Kobayashi et al ['540] discloses means for generating a convergent beam comprising a light source [51], collimating means [53] and a convergent lens [52] [defined under 112[6] in the specification as "The generating means 101 can be any means adapted for generating a convergent beam."] having a central axis ["L"], and a lens system [6 and 8] located substantially around said central axis, the floodlight comprising means for moving a portion of said lens system [7] with respect to the generating means. [No suggested structure is found in the specification to limit the "means for moving" with respect to 112[6] and therefore any known structure is sufficient to read on the claim.]

Kobayashi et al ['540] fails to teach either a generating a plurality of converging beams or the use of a lens array.

Art Unit: 2885

Kobayashi ['768] teaches an adjustable beam lighting device comprising a means for generating a plurality of convergent beams comprising a light source [105] a collimator [104], a convergent lens [106] and a lens [113] with a plurality of convex steps [113a] which divide a single beam into a plurality of convergent beams. Kobayashi ['768] further teaching a lens array [112] with a plurality of lenses [112a] on the optical axes of beams from lenses [113a], wherein the lens array and means for generating light are movable with respect to each other in order to adjust the output beam.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kobayashi et al ['540] by replacing lenses 6 and 8 with lenses 112 and 113 of Kobayashi ['768] thereby redefining lens 6/112 as the lens array and lens 8/113 as part of the generating means for producing a plurality of beams. One of ordinary skill in the art would be motivated to modify Kobayashi ['540] as described since the function of the lenses are not changed and the light still enters the first lens for convergence and passes through the second lens for divergence.

Based on the change of convention suggested above, Kobayashi et al ['540] fails to teach the lens array [the front lens as modified being adjusted.

Corbasson et al teaches an adjustable lighting apparatus with the most forward lens [2] being adjustable with respect to the rearward placed lens [1].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Kobayashi et al ['540] modified by Kobayashi ['786] to connect movement means [7] of Kobayashi et al ['540] to the

Art Unit: 2885

front lens instead of the rear lens as taught by Corbasson since the claimed invention lacks criticality or specific structure for moving the lens array, and it is well known in the art that the desired optical effects are the result of the relative position of the lens array and the location of the converged beam focus and therefore it would have been within the ordinary skill in art to switch the adjustable lens as a matter of packaging requirements. It has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954)

6. Re claims 2 and 3: Kobayashi et al ['540] further teaches the means for moving [7] are adapted to move said lens [8] in a direction both parallel ["X"] or perpendicular ["Y"] to said central axis [7].

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The amendment to the claims has necessitated the new grounds of rejection. The original claims 4 and 6 required a plurality of lenses and the means for generating the beams could have been two separate sources of light. Therefore the duplication of parts argument applies. In other words there was no required relationship between the first and second lens. As amended a "lens array" is understood in the art to be more than a plurality of lenses but a group of

Art Unit: 2885

lenses. Further the lens array is now understood to be moved as a unit then the lenses previously could be moved individually.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fritsch (US 3,522,424) and Plummer (US 4,293,892) teach an adjustable light using two relatively adjustable lens arrays comprising a plurality of lenses each.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2885

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID R. CROWE whose telephone number is (571)272-9088. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Negron/  
Primary Examiner, Art Unit 2885

DRC  
1/8/2009